

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PHILLIP HERNANDEZ,)
)
)
Plaintiff,)
)
)
v.) **Case No. CIV-22-591-G**
)
)
STEPHEN'S COUNTY et al.,)
)
)
Defendants.)

ORDER

Plaintiff Phillip Hernandez, a state inmate, filed this federal civil rights action on July 14, 2022. In accordance with 28 U.S.C. § 636(b)(1), the matter was referred to Magistrate Judge Suzanne Mitchell for preliminary review. On July 18, 2022, Judge Mitchell granted Plaintiff's application for leave to proceed *in forma pauperis* and ordered Plaintiff to submit an initial partial filing fee of \$15.27. *See* Order of July 18, 2022, at 1-3.

On September 8, 2022, Judge Mitchell issued a Report and Recommendation (Doc. No. 9), recommending that this action be dismissed based upon Plaintiff's failure to comply with the Court's Order to submit the partial filing fee. Shortly thereafter, Plaintiff submitted the \$15.27 required fee. *See* Doc. No. 10.

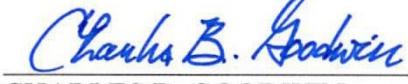
CONCLUSION

Accordingly, the reasoning of the Report and Recommendation (Doc. No. 9) is ADOPTED. The Court declines to dismiss the case at this time.

Plaintiff's Motions (Doc. Nos. 8, 12) are DENIED AS MOOT.

This matter is re-referred to Judge Mitchell in accordance with the initial order of referral.

IT IS SO ORDERED this 3rd day of March, 2023.


Charles B. Goodwin
CHARLES B. GOODWIN
United States District Judge